The claims in the application are claims 3 to 6 and 8 to 10, all other claims having been cancelled.

All of the claims were rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner was of the opinion that the claims did not recite a final process step which relates back to the preamble and as being indefinite in the expression "sufficient to combat the development of atherosclerosis.

Applicants respectfully traverse this ground of rejection since it is believed that the claims, as amended, properly define the invention. The term "combatting" has been changed to "preventing" and has been further indicated as being administered to warm-blooded animals in need thereof and also to prevent the development of atherosclerosis in warm-blooded animals by antiplatelet aggregating activity which is clearly supported by page 6 and also by the pharmacological data in the experimental section. Therefore, the claims are definite and withdrawal of this ground of rejection is requested.

All of the claims were further rejected under 35 USC 102 as being anticipated by the Agouridas et al patent which, according to the Examiner, defines a method combatting bacterial infections in warm-blooded animals by administering an effective amount of a ketolide and salts thereof. The Examiner states that the intended use of the method does not carry any weight so as to distinguish

the claimed methods of the methods taught by the reference since Applicants merely call for a single step of administering to the warm-blooded animal an effective amount which according to the Examiner is what the reference discloses.

Applicants respectfully traverse this ground of rejection since it is believed that the Examiner has not properly given adequate weight to the terminology of the claims. The Agouridas et al patent does not anticipate or render obvious Applicants' invention which is drawn to a method of preventing arterial thrombotic complications related to atherosclerosis due to the antiplatelet aggregating activity. The Agouridas et al patent in no way discloses this but merely teaches combatting bacterial infections. It is believed that the Examiner has not given pertinent weight to the limitations of the claim, namely, preventing arterial thrombotic complications related to atherosclerosis by the antiplatelet aggregating activity which is in no way disclosed by the Agouridas et al patent.

It was not known before Applicants' invention that ketolides had any antiplatelet aggregating activity and Applicants have discovered this novel activity which is in no way taught by the reference. It results in an original treatment of arterial thrombotic complications related to atherosclerosis and one of the advantages of Applicants' treatment is that it permits a reduction in the number of drugs used in such a situation as it usually

requires antithrombotics, antihypertensives and antibiotics for the treatment of atherosclerosis. Therefore, it is deemed that Applicants' invention is neither anticipated nor rendered obvious by the reference and withdrawal of this ground of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
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CAM:ds
Enclosures

MARKED UP VERSION OF CLAIMS SHOWING CHANGES MADE

Claim 8 (twice amended) A method of [combatting] preventing the [development of] arterial thrombotic complications associated with atherosclerosis in warm-blooded animals comprising administering to warm-blooded animals in need thereof an effective ~~amount of a ketolide or its non-toxic, pharmaceutically acceptable~~ acid addition salts sufficient to [combat] prevent [the development of] arterial thrombotic complications associated with atherosclerosis in warm-blooded animals by antiplatelet aggregating activity.